

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR-21-022-Raw

JOSEPH STANLEY HARJO,

Defendant.

ORDER

Before the court is the Defendant's notice of expert witness filed on October 27, 2021 [Docket No. 89] and the Government's objection thereto filed on November 9, 2021 [Docket No. 92]. The Defendant has not responded to the objection and the time to respond thereto expires on November 16, 2021, but given that the trial begins on the November 15, 2021, the court enters this preliminary ruling.

The Defendant intends to call Dr. Stephen A. Thorne to opine that based on all of the discovery in this case, there is a high likelihood that C.H., L.H., and M.M. fabricated claims of abuse by the Defendant. Such testimony would clearly invade the province of the jury. Experts may not opine on another witness's credibility. *United States v. Hill*, 749 F.3d 1250, 1258-63 (10th Cir. 2014); *Gilson v. Sirmons*, 520 F.3d 1196, 1243 (10th Cir. 2008). *See also United States v. Magnan*, 756 Fed.Appx. 807, 813-15 (10th Cir. 2018); *Hellums v. Williams*, 16 Fed.Appx. 905, 910-11 (10th Cir. 2001).

Dr. Thorne would also testify that the interviews of C.H., M.M., R.B., and A.B. were not performed according to accepted forensic methodology. Based on a review of Dr. Thorne's

C.V., the court agrees with the Government that it does not appear Dr. Thorne is qualified to testify as to such matters. His C.V. shows no training or expertise with forensic interviews, false memories, or juvenile suggestibility. His C.V. lists no formal education or experience in conducting, analyzing, or critiquing forensic interviews. In fact, his C.V. indicates he specializes in the evaluation and treatment of sex offenders. The Government argues that specialty does not and should not overlap with interviews of victims of abuse. The Government's objection is hereby sustained. The Defendant's proposed expert witness will not testify.

IT IS SO ORDERED this 12 day of November, 2021.

Ronald A. White
THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA